



Planning ref: Unknown
Our ref: GRJ-11FTZ-TCP-01 Ltr_01a

James Penfold
DP9
Pall Mall
London
SW1Y 5NQ

11th December 2012

Dear James,

RE: 11 Fitzroy Square, London W1T 6BU

I write in support of your proposals for the extension and refurbishment of the above site, in relation to the protection requirements of a neighbouring tree. I visited the property on 4th December 2012, recording relevant qualitative data on the tree, in order to assess its constraints upon the site, in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations [BS5837:2012]. The tree is a London plane and its details are provided in the schedule in the Appendix below. It is located in the neighbours' property to the north (west), beyond a high wall (please see the site photo in the Appendix). I did not have access to, or view of, the base of the tree, but rather viewed it from an overlooking window at some 10m-distance. However, I believe the viewing conditions are more or less academic, as it was clear that the tree was large enough to potentially constrain a circle of (c. 10m) radius, big enough to overlap the proposals in normal circumstances.

The proposals do not involve any large-scale excavation, but will comprise the manual digging of a small lift-pit and a shallow strip foundation (please see the sketch plan in the Appendix). The proposed foundations would come within c. 4m of the tree and the lift pit within c. 7m. Under such circumstances, the proposals would impact upon the tree. However, in this instance, the house(s) of No. 11a (and 12) Fitzroy Square intervene,

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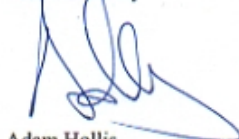
restricting the putative RPA, in so far as it correlates with root spread. Beyond them stand the high boundary wall and the conservatory within no. 11.

We understand that No. 11a was built in the 1980's and presumably, to NHBC standards, with deep foundations relative to the soil type and a tree of the plane's potential stature. I understand the underlying soil to be Lynch Gravel Member over London clay, but have no detailed information on the matter. Therefore, it is highly unlikely that the planes' roots penetrate to the proposed works and constrain them in any meaningful way. Moreover, if they did so, then to protect them would be at the potential expense of their undermining three houses, which is unlikely to play well with any party's insurers, Local Planning Authority (LB Camden) included. In such circumstances, I would imagine (in so far as I am not a legal adviser) that the owners' common law rights to protect their properties would weigh upon, if not over ride planning law considerations.

Regardless of planning and trespass issues, a property owner remains liable to his neighbour for any damage or injury to his tree. As stated above, it is highly unlikely that any roots will have colonised the site. However, another possibility is that the tree growing, in such confined conditions, does not ultimately prosper, and may catch any number of diseases in the future. It is also against the law to injure protected trees (within Conservation Areas or subject to a Tree Preservation Order), unless exercising a recognised exemption, such as full planning consent.

Please let me know, if I can be of further assistance in the matter.

Yours sincerely



Adam Hollis
MSc Arb FAborA MICFor HND Hort
Chartered Forester
Fellow & Registered Consultant of Arboricultural Association

Appendix

1. Survey Schedule
2. Site Photograph
3. Sketch Plan

Tree Survey Schedule

Site: 11 Fitzroy Square, London W1T 6BU
Date: 4/12/12

Surveyor: Adam Hollis
Ref:

Tree No.	English Name	Height	Crown Spread	Ground Clearance	Age Class	Stem Diameter	Protection Multiplier	Protection Radius	Growth Vitality	Structural Condition	Landscape Contribution	B.S. Cat	Sub Cat	Useful Life	Observations
1	Plane, London	17	5466	7	Mature	750 e	12	9.0	Normal	Unknown	Medium	B	1	20-40	Remote Survey Only

Notes:

1. Height describes the approximate height of the tree measured in meters from ground level.

2. The Crown Spread refers to the crown radius in meters from the stem centre and is expressed as an average of NSEW aspect if symmetrical.

3. Ground Clearance is the height in meters of crown clearance above adjacent ground level.

4. Stem Diameter is the diameter of the stem measured in millimetres at 1.5m from ground level for single stemmed trees. BS 5837:2012 formula (Section 4.6) used to calculate diameter of multi-stemmed trees. Stem Diameter may be estimated where access is restricted.

5. Protection Multiplier is 12 and is the number used to calculate the tree's protection radius and area.
6. Protection Radius is a radial distance measured from the trunk centre.

7. Growth Vitality - Normal growth, Moderate (below normal), Poor (sparse/weak), Dead (dead or dying tree).

8. Structural Condition - Good (no or only minor defects), Fair (remediable defects), Poor - Major defects present.

9. Landscape Contribution - High (prominent landscape feature), Medium (visible in landscape), Low (secluded/among other trees).

10. B.S. Cat refers to (British Standard 5837:2012 Table 1) and refers to tree/group quality and value; 'A' - High, 'B' - Moderate, 'C' - Low, 'U' - Unsuitable for retention. .

11. Sub Cat refers to the retention criteria values where 1 is Arboricultural, 2 is Landscape and 3 is Cultural including Conservational, Historic and Commemorative.

12. Useful Life is the tree's estimated remaining contribution in years.

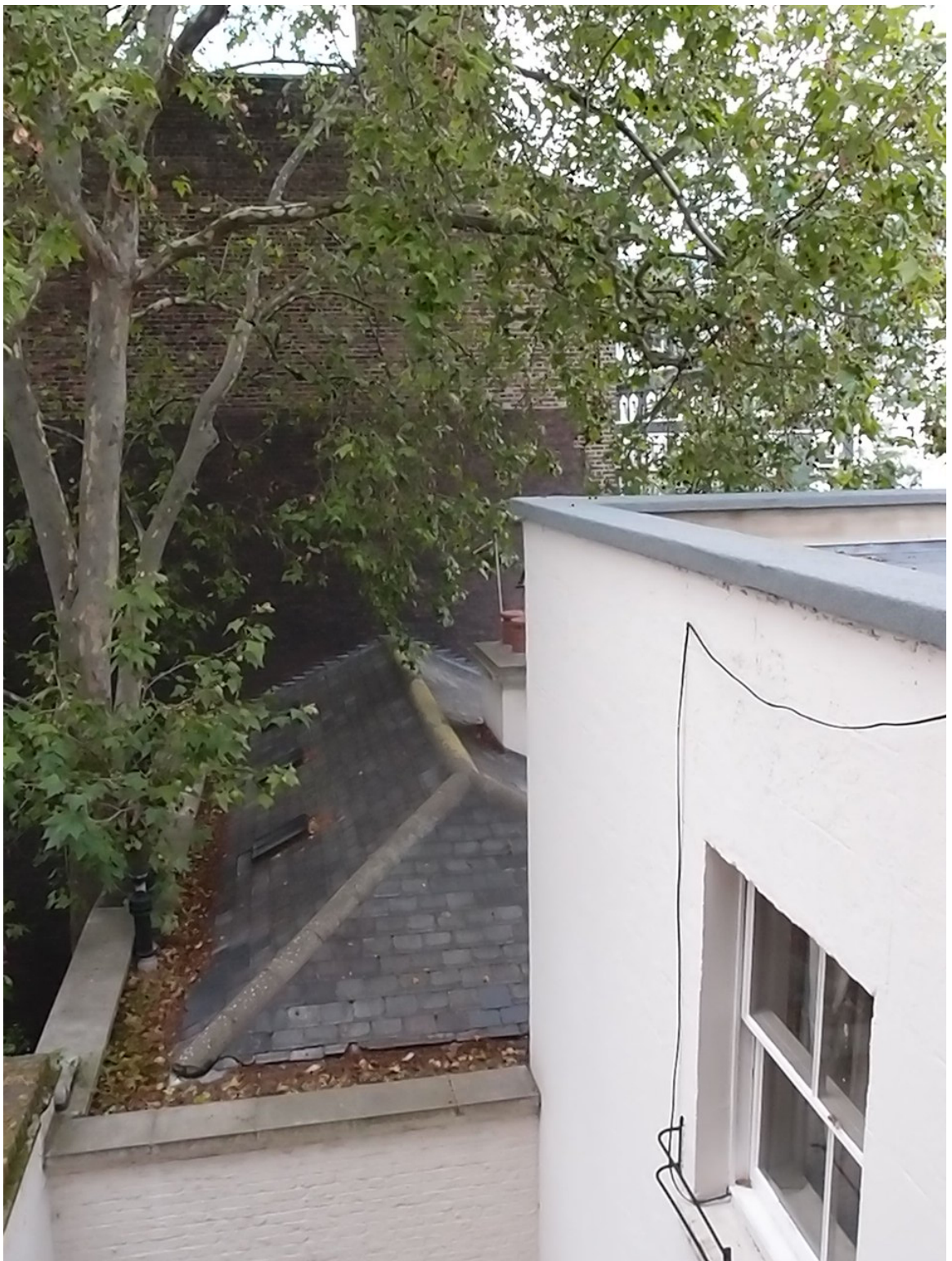


Fig. 1: Subject tree in neighbouring property

Project 151 - FITZROY SQ Date 22.11.12
To ADAM HOLLIS Project Number 151
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From PETER LEE Enclosed 0
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FITZROY SQUARE

